

★ SEP 21 2015

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
JOSE ROSADO,

BROOKLYN OFFICE

Petitioner,

- against -

JOHN LEMPKE, as Superintendent, Gowanda
Correctional Facility,

Respondent.
-----x

NOT FOR PUBLICATION
MEMORANDUM & ORDER
12-CV-3512 (CBA)

AMON, Chief United States District Judge:

Jose E. Rosado, proceeding pro se, has petitioned this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (D.E. # 1.) Rosado seeks to vacate his conviction for burglary in the second degree. The Court referred Rosado's habeas petition to the Honorable Roanne L. Mann, United States Magistrate Judge, for Report and Recommendation ("R&R"). (D.E. # 8.) Currently before the Court is Magistrate Judge Mann's comprehensive R&R, (D.E. # 9), recommending denial of Rosado's habeas petition in its entirety.

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." Jarvis v. N. Am. Globex Fund. L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks omitted).

The Court has reviewed the record and, finding no clear error, adopts Magistrate Judge Mann's recommendation that Rosado's habeas petition be denied. Since Rosado has failed to make a "substantial showing of the denial of a constitutional right," a Certificate of Appealability

shall not issue. 28 U.S.C. § 2253(c). The Clerk of the Court is directed to enter judgment accordingly and to close the case.

SO ORDERED.

Dated: Brooklyn, New York
September 21, 2015

s/Carol Bagley Amon

Carol Bagley Amon
Chief United States District Judge